receiving a requested product identification and a requested product quantity from a customer;

confirming the identity and quantity of the product item to be included in the merchandise order; and

transmitting a record of the merchandise order to a store station for requesting payment for the merchandise order.

REMARKS

Reconsideration is respectfully requested.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Paragraphs 3 through 5 of the Office Action

Claim 40 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Wiens et al. (U.S. Patent No. 5,808, 894).

Claims 41, 42, and 50 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Wiens et al. (U.S. Patent No. 5,808, 894) in view of Doyle et al. (U.S. Pat 5,694,551).

Claim 40, particularly as amended, requires "interactively assembling a customer order for fulfillment", including "requesting from a customer, by spoken word generated by said central station, a product identification of a product item and a quantity of the product item to be added to the merchandise order", "receiving a requested product identification and a requested product quantity from a customer, said requested product identification and requested product quantity being received by said central station in at least one form of communication selected from the group of communication forms including spoken words and DTMF-encoded signals", and "confirming, by spoken word generated by said central station, the identity and quantity of the product item to be included in the merchandise order".

The Wiens et al. reference teaches a system using batch processing (as opposed to interactive processing) of an order, with the entirety of the items making up the order being submitted simultaneously to the central location, with the vendor at the central location merely confirming to the remote location that the batch order was received by the central location. This mode of operation is clear from the Wiens et al. disclosure, for example, at col. 3, lines 39 through 58:

> Moreover, the system allows users to compose their orders prior to calling the central computer, thus minimizing telephone expenses. Instead, the user enters a request for the goods or services desired at their own remote computer terminal. *The user may then view the composed order to verify it prior to sending it to the central computer.*
>
> Following this order entry session, the user initiates transmission of the order to the distant central ordering vendor computer via a communications medium such as modem or facsimile transmission. The customer transmits at least the order and customer information identifying the customer to the vendor computer. (emphasis added)
>
> The vendor computer verifying the order and transmits a job number to the customer computer. *The vendor computer also compares the customer information with previously-stored customer database information to determine if the customer is a previous customer.* If a match with a customer in the database is found, the order is entered for further processing in a first manner, such as a more automated processing procedure.

It is clear from this summary of the Wiens et al. system that any verification of the order is done by the customer and prior to the transmission of the order to the central location. Also, the central location merely determines if the customer is a previous customer. Both of these actions occur only once during a transaction, no matter how many items are included in the order.

The system disclosed in Wiens et al is thus clearly in contrast to applicants' claim 40 requirements of interactive requesting of a

product identification, receiving a product identification and product quantity, and confirming of the identity and quantity.

Similarly, the Doyle reference also teaches a system that handles orders on a batch processing basis, as is clear from the Doyle disclosure at col. 5, lines 49 through 65.

> FIG. 9 shows a flowchart of the steps that occur when a customer makes a final requisition selection and that selection is transmitted to the main system computer. In step 1200, the customer enters a completed requisition order such as the screen 1034 shown in FIG. 7. The customer computer stores the completed requisition entry in its requisition database 134. *Control reports are generated in step 1202 by the customer computer from its databases to provide the customer with information regarding its requisitions, such as totals of items ordered, prices and other information.*
>
> *The new completed requisition information in the customer database is transmitted to the main system computer 100 during periodic batch processing in step 1204.* Similarly, update information, e.g., purchase order acknowledgments, ship-to updates and product item updates, from the main computer is transmitted to the customer computer to update the customer database in step 1206. (emphasis added)

Again, it is apparent that the Doyle reference teaches a system quite similar to the Wiens et al. system in that transactions are conducted through batch processing, and not an interactive request and confirmation system as required by applicants' claim 40.

The difference between the applicants' claimed system and the teachings of the prior art as evidenced by Wiens and Doyle is significant. The cited prior art systems are employed by large and sophisticated buyers and vendors with sophisticated information systems, while the applicants' claimed system is intended for use by consumers in their homes using their telephones to place orders. Significantly, the applicants' claimed system permits an ordinary consumer to order (through spoken word) over the phone, without having to 'batch process' his or her order to a central location.

The Office Action states that "confirmation of purchase order[s] including the identity and quantity of the product item" is old and well known in the art, however, it is clear that interactive processing, including any confirmation, is strange to the Wiens et al. and Doyle references relied upon in the Office Action.

The Wiens et al. and Doyle references do not teach applicants' requirement of requesting and confirming product identification and quantity by spoken word generated by the central station, which permits customer ordering over a telephone line without need for specialized computer modems or equipment, thus making access to applicants' claimed system available to anyone possessing a telephone. Further, the cited references do not teach applicants' requirement of receiving the product identification by spoken word and/or DTMF-encoded signals, which also permits access to applicant's claimed system using only a telephone and no specialized equipment.

It is therefore submitted that the cited prior art references, either alone or in the allegedly obvious combination set forth in the Office Action, would not lead one to the requirements of applicants' claim 40, particularly as amended. Further, claims 41 through 50 which depend from claim 40, are also submitted to be unobvious in view of the prior art.

Withdrawal of the §103(a) rejections of claims 40 through 42 and 50 is therefore respectfully requested.

Paragraph 7 of the Office Action

Paragraph 7 of the Office Action states that claims 43 through 49 would be allowable if rewritten into independent form so as not to depend from a rejected base claim.

Claims 51 through 57 have been added to the application. Added claim 51 puts the requirements of claim 43 as filed into

independent form, and dependent claims 52 and 53 correspond to originally filed claims 44 and 45, respectively. Added claim 54 puts the requirements of claim 46 as filed into independent form. Added claim 55 puts the requirements of claim 47 as filed into independent form. Added claim 56 puts the requirements of claim 48 as filed into independent form. Added claim 57 puts the requirements of claim 49 as filed into independent form. Per paragraph 7 of the Office Action, it is submitted that claims 51 through 57 are in condition for allowance.

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

_____ **Date:** 11-9-00

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